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| 09/923,369 | 08/08/2001 | Claudio Cecchetto | 34665/SM/ch | 8937 |

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Via Meravigli, 16
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EXAMINER

DIVECHA, KAMAL B

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| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,369

Applicant(s)

CECCHETTO, CLAUDIO

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 8, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/08/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10052004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because the figure 2 is not labeled which entails a step 161. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected because it uses the legal phraseologies used to claim the invention.

For Example: On page 13, line 1: It uses the phrase "comprises".

On page 13, line 2: it uses the phrase "data processing means".

On page 13, line 3: it uses the phrase "memory means".

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 2, 3, 4, 5, 6, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, because it lacks antecedent basis in the claims as described below:

- Claim 1 recites the limitation "said memory" on line 12 of page 11. There is insufficient antecedent basis for this limitation in the claim.
- Claim 2 recites the limitation "said file" on line 14 of page 11. There is insufficient antecedent basis for this limitation in the claim.
- Claim 3 recites the limitation "said file" on line 16 and 17 of page 11. There is insufficient antecedent basis for this limitation in the claim.

- Claims 4,5 and 6 recites the limitation "said information stored" on line 20, 22 and line 26 of page 11. There is insufficient antecedent basis for this limitation in the claims.
- Claim 5 recites the limitation "one page" on line 25. There is insufficient antecedent basis for this limitation in the claim and specification.
- Claims 9 and 11 recites the limitation "said opened Web pages" on line 18 and line 23 of page 11. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 8, 9, 10, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman (US 6,769,009 B1).

- With respect to claim 1, Reisman discloses a system for transmitting data over computer networks (figure 6; column 36, lines 3-5) comprising:
 - Data processing means (column 14, line 29-31);

- Storage means controlled by said data processing means (column 7, line 1);
- Modulation/demodulation means suitable to provide a connection of said data processing means to a computer network (column 6, line 49);
- Data processing means to a computer network (figure 9);
- Data entry means and data display means (figure 12, line 22; column 36, lines 18-20);
- Wherein said storage means comprise a temporary data structure (column 8, lines 34-63) which is suitable to store information related to at least one webpage to be played back subsequently, either online and offline (column 38, lines 33-35; column 36, lines 40-48);
- Means for generating a data file, which is suitable, to be stored in said memory means and to contain said information related to said at least one Web page. (Column 8, lines 29-35);

- With respect to claim 4, Reisman further discloses:

The system as set forth in claim 1, wherein said information stored temporarily in said temporary data structure can be modified and updated. (column 38, lines 6-9; column 45, lines 10-12; column 29, lines 20-25; column 36, lines 55-57);

- With respect to claim 8, Reisman further discloses:

The system as set forth in claim 1, wherein said temporary data structure comprises a data array. This claimed feature is inherent to the one skilled in the art.

According to Bernstein et al. (US 6,728,726 B1), data structure can be a collection (also referred to as set), sequence, array, table, or record structure (column 1, lines 54-56). Therefore, even though Reisman have not discussed the feature claimed above, he has indeed described the data structure where data arrays would have been used.

- With respect to claim 9, Reisman further discloses;

A method for transmitting data over data networks, comprising the steps that consist in:

- Opening a file suitable to store web pages and subsequently read them, either online and offline (column 39, lines 51-67; column 40, lines 1-4);
- Opening web pages online (column 35, lines 50-51);
- Temporarily storing said opened Web pages (column 37, lines 1-3);
- Saving the file with the stored Web pages (column 39, lines 1-5);

- With respect to claim 10, Reisman further discloses:

The method as set forth in claim 9, comprising a step that consists sending a file via e-mail over said data network (column 7, lines 32-38);

- With respect to claim 11, Reisman further discloses;

The method as set forth in claim 9, wherein said step that consists in storing said opened Web pages comprises the steps consisting in:

- storing said opened Web pages in a temporary data structure, which comprises a first record, which is suitable to store the identification data of said file and a plurality of subsequent records, which are suitable to store identification data of said Web pages opened by the user (column 39, lines 30-36);

- With respect to claim 12, Reisman further discloses:

The method as set forth in claim 9, wherein said step for saving said file with the stored Web pages consists in saving said file on local resources of data processing means (figure 12, item number 124; column 31, lines 23-27).

Taking official Notice

The features described in claim 6 are commonly used, known and expected in the art. The motivation for doing so would have been that it would enable the structure of the data in a more organized manner. Also, the name and addresses of the frames are utilized in data structure so that one is able to retrieve and post the Web pages on screen more efficiently without worrying about the latency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 11 and 12 are rejected under 35 U.S.C. 102(b) based upon the invention anticipated by Mighdoll et al. (US 5,918,013).

- With respect to claim 9, Mighdoll discloses;

A method for transmitting data over data networks, comprising the steps that consist in:

- opening a file suitable to store Web pages (column 10, lines 30-33) and subsequently read them, either online and offline (figure 6, item 604; column 4, line 6-7 and column 5, line 1-3);
- open Web pages online (column 5, lines 43-46);
- temporarily storing said opened Web pages (column 5, lines 6-9);
- saving the file with the stored Web pages (column 8 line 67- column 9 line 2; or step 606 of figure 6 or column 11, lines 50-52);
- With respect to claim 10, Mighdoll further discloses;
The method as set forth in claim 9, comprising a step that consists in sending said file via e-mail over said data networks (column 3, lines 42-43);
- With respect to claim 11, Mighdoll further discloses;
The method as set forth in claim 9, wherein said step that consists in storing said opened Web pages comprises the steps consisting in;
 - storing data related to said Web pages in a temporary data structure which comprises a first record which is suitable to store the identification data of said file and a plurality of subsequent records, which are suitable to store identification data of said Web pages opened by the user (column 6, lines 5-65).
- With respect to claim 12, Mighdoll further discloses;

The method as set forth in claim 9, wherein said step for saving said file with the stored Web pages consists in saving said file on local resources of data processing means (figure 3, item 51, 52 and 53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5 and 7 are rejected under 35 U.S.C. 103 (a) as being obvious over Reisman (US 6,769,009 B1) in view of Wittenburg et al. (US 6,515,656 B1).

- Reisman discloses all the limitations of claims 1, 4, 8, 9, 10, 11 and 12 as set forth above.
- Reisman does not disclose expressly the system as forth above;
 - wherein said file is a sequential data file;
 - wherein said file comprises a first record which is suitable to contain general data descriptive data of the said file and a plurality of successive records which contain said information related to said at least one Web page to be played back subsequently;
 - wherein said information stored in said temporary data structure comprises at least one of the following data:
 - a. the title of said at least one Web page;

- b. the address of said at least one page.
 - wherein said first record contains at least one of the following fields;
 - file ID;
 - file title;
 - file authors name;
 - file author's email address;
 - file authors personal URL;
 - file creation date;
 - file modification date;
 - number of Web pages contained in the file.
- Wittenburg discloses the following limitations:
 - (a). Presenting a hierarchical description of the information as a list of menu items in an outline area (column 3, lines 9-11; figure 8, item 75; column 16, lines 14-15);
 - (b). The hierarchical data files for one or more grouping of multimedia files, includes NAME/TITLE information, one or more related URLs, and one or more presentation URLs (column 4, lines 57-59; figure 2 and 2A). The NAME/TITLE INFORMATION may be a text description identifying the manufacturer (column 5, lines 4-6);

(c). The multimedia data items are presented in presentation area using scrolling technique in which successive images or documents are presented in a two-dimensional plane (column 17, lines 36-39);

- Reisman and Wittenburg are analogous art because they are directed to a similar problem solving area of reducing latency and increasing throughput.
- At the time of the invention it would have been obvious to a person of ordinary skill in the art to upgrade the Reisman invention and add features or limitations described above by Wittenburg et al. The hierarchical architecture and the concept of identification data file would be introduced and implemented in the Reisman's system.
- The motivation for doing so would have been so that the information presented to a user enables efficient and effective scanning through a large amount of material (column 1, lines 21-25 of Wittenburg). By employing or using the hierarchical organization, it would deploy controls for speed and direction of information presented (column 2, lines 22-24 of Wittenburg).
- Therefore, it would have been obvious to combine Reisman with Wittenburg for the benefit of Cecchetto to obtain the invention as specified in the claims.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Astiz et al. (US 6,035,330) teaches a Web site mapping mechanism in an organized, and preferably, hierarchical fashion. It also teaches the limitation found in claim 9, as set forth above (figure 9, step 50, 58 and 59). Another prior art made of record is of Bernstein et al. (US 6,728,726 B1) whose invention teaches the concept of data structure including data arrays and caching persistent objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is N/A. The examiner can normally be reached on 8.30am-5.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Zarni can be reached on 703-308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
PRIMARY EXAMINER

KD.